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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,675	06/27/2003	Maria Adamczyk	9400-26	5392
39072 7590 09/21/2007 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			EXAMINER TIEU, BINH KIEN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,675

Applicant(s)

ADAMCZYK ET AL.

Examiner

/BINH K. TIEU/

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/27/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann et al. (US. Pat. #: 5,933,778) in view of McDowell et al. (Pub. No.: US 2002/0035605).

Regarding claim 1, Buhrmann et al. ("Buhrmann") teaches a method of providing messages for a user, the method comprising:

accepting entry of a message for the user;

accepting entry of a location criteria associated with the message (col.7, lines 24-54);

obtaining physical location information for a wireless communications device associated with the user (col.8, lines 20-38).

It should be noticed that Buhrmann fails to clearly teach the feature of transmitting the message for the user when the physical location information for the wireless communications device matches the location criteria associated with the message. However, McDowell et al. (“McDowell”) teaches a PLIM system for using of presence and location information concerning wireless subscribers for instant messaging and mobile commerce. McDowell teaches that approved merchants, retailers, e-commerce companies, wireless advertising agencies and other (collectively, “merchants”) can use the PLIM system to obtain information about subscriber presence and location as target interest areas to send or delivery advertisement messages to wireless subscribers (see paragraphs [0105] and [0113]-[0114]).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of transmitting the message for the user when the physical location information for the wireless communications device matches the location criteria associated with the message, as taught by McDowell, into view of Buhrmann in order to send message to recipient’s designated physical destination associated with the wireless terminal.

Regarding claims 2-3, McDowell further teaches the limitations of the claim in paragraphs [0052] and [0080].

Regarding claim 5, note from the above teachings of Buhrmann and McDowell for the second message delivery.

Regarding claim 6, McDowell further teaches limitations of the claim in paragraphs [0076]-[0077].

Regarding claims 7-9, McDowell further teaches limitations of the claim in paragraphs [0084]-[0088].

Regarding claims 10-11, McDowell further teaches limitations of the claim in paragraphs [0113]-[0115].

Regarding claim 12, McDowell further teaches limitations of the claim in paragraph [0122].

Regarding claims 13-14, McDowell further teaches limitations of the claim in paragraphs [0113]-[0114]).

Regarding claims 15-16, Buhrmann further teaches limitations of the claims in col.6, lines 28-42.

Regarding claim 17, Buhrmann teaches a messaging service system comprising:
a data input system that accepts entry of a message for the user, that accepts entry of a location criteria associated with the message (col.7, lines 24-54); and that obtains physical location information for a wireless communications device associated with the user (col.8, lines 20-38).

It should be noticed that Buhrmann fails to clearly teach the feature of a transmitter that transmits the message for the user when the physical location information for the wireless communications device matches the location criteria associated with the message. However, McDowell et al. (“McDowell”) teaches a PLIM system for using of presence and location information concerning wireless subscribers for instant messaging and mobile commerce.

McDowell teaches that approved merchants, retailers, e-commerce companies, wireless advertising agencies and other (collectively, “merchants”) can use the PLIM system to obtain information about subscriber presence and location as target interest areas to send or delivery advertisement messages to wireless subscribers (see paragraphs [0105] and [0113]-[0114]).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of transmitting the message for the user when the physical location information for the wireless communications device matches the location criteria associated with the message, as taught by McDowell, into view of Buhrmann in order to send message to recipient’s designated physical destination associated with the wireless terminal.

Regarding claims 18-19, McDowell further teaches the limitations of the claim in paragraphs [0052] and [0080].

Regarding claim 21, note from the above teachings of Buhrmann and McDowell for the second message delivery.

Regarding claim 22, McDowell further teaches limitations of the claim in paragraphs [0076]-[0077].

Regarding claims 23-25, McDowell further teaches limitations of the claim in paragraphs [0084]-[0088].

Regarding claims 26-27, McDowell further teaches limitations of the claim in paragraphs [0113]-[0115].

Regarding claim 28, McDowell further teaches limitations of the claim in paragraph [0122].

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Regarding claims 29-30, McDowell further teaches limitations of the claim in paragraphs [0113]-[0114]).

Regarding claims 31-32, Buhrmann further teaches limitations of the claims in col.6, lines 28-42.

Regarding claim 33, Buhrmann teaches a messaging system comprising:

means for accepting entry of a message for the user;

means for accepting entry of a location criteria associated with the message (col.7, lines 24-54);

means for obtaining physical location information for a wireless communications device associated with the user (col.8, lines 20-38).

It should be noticed that Buhrmann fails to clearly teach the feature of transmitting the message for the user when the physical location information for the wireless communications device matches the location criteria associated with the message. However, McDowell et al. (“McDowell”) teaches a PLIM system for using of presence and location information concerning wireless subscribers for instant messaging and mobile commerce. McDowell teaches that approved merchants, retailers, e-commerce companies, wireless advertising agencies and other (collectively, “merchants”) can use the PLIM system to obtain information about subscriber presence and location as target interest areas to send or delivery advertisement messages to wireless subscribers (see paragraphs [0105] and [0113]-[0114]).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of transmitting the message for the user when the physical location information for the wireless communications device matches the

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location criteria associated with the message, as taught by McDowell, into view of Buhrmann in order to send message to recipient's designated physical destination associated with the wireless terminal.

Regarding claims 34-35, McDowell further teaches the limitations of the claim in paragraphs [0052] and [0080].

Regarding claim 37, note from the above teachings of Buhrmann and McDowell for the second message delivery.

Regarding claim 38, McDowell further teaches limitations of the claim in paragraphs [0076]-[0077].

Regarding claims 39-41, McDowell further teaches limitations of the claim in paragraphs [0084]-[0088].

Regarding claims 42-43, McDowell further teaches limitations of the claim in paragraphs [0113]-[0115].

Regarding claim 44, McDowell further teaches limitations of the claim in paragraph [0122].

Regarding claims 45-46, McDowell further teaches limitations of the claim in paragraphs [0113]-[0114]).

Regarding claims 47-48, Buhrmann further teaches limitations of the claims in col.6, lines 28-42.

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3. Claims 4, 20 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann et al. (US. Pat. #: 5,933,778) in view of McDowell et al. (Pub. No.: US 2002/0035605) as applied to claim 1 above, and further in view of Matthews (US. Pat. #: 5,793,859).

Regarding claims 4, 20 and 36, Buhrmann and McDowell, in combination, fails to clearly teach the physical addresses being residence and office addresses of the user. However, Matthews teaches a system that allows subscriber to setup to route a call to one of his/her physical addresses: recipient's office, location of automobile and recipient's home (see col.5, lines 9-17) for a purpose of terminating the call for the recipient.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of physical addresses being residence and office addresses of the user, as taught by Matthews, into view of Buhrmann and McDowell in order to send message to recipient's designated physical destination associated with the wireless terminal.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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Any response to this action should be mailed to:

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Or faxed to:

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/BINH K. TIEU/

Primary Examiner
Technology Division 2614

Date: September 2007